

86th Legislative Session – 2011

Committee: Senate Health and Human Services

Wednesday, March 02, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Hunhoff (Jean), Chair
P Kraus, Vice-Chair
E Rave
P Holien
P Krebs
P Schlekeway
P Bradford

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Jean Hunhoff, Chair.

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 28, 2011.

Moved by: Kraus
Second by: Holien
Action: Prevailed by voice vote.

HB 1255: provide for the award of joint physical custody of children under certain circumstances.

Presented by: Senator Dan Lederman
Proponents: Representative Melissa Magstadt
Representative Bob Deelstra
Chris Hupke, SD Family Policy Council
Craig Dewey, Children Need Parents PAC
Ken Orrock, Self, Rapid City (Teleconference)
Mary Claus, Self, Sioux Falls SD
Joel Arends, Children Need Parents
Representative Phil Jensen

Opponents: Kyle Krause, Self, Rapid City
Tom Barnett, State Bar Association of South Dakota (Handout: 1)
Greg Boris, South Dakota Voices for Children
Senator Mike Vehle
Judy Zimbelman, Self, Sioux Falls
Senator Tom Hansen (Handout: 2)
Krista Heeren-Graber, Self, Freeman
Betty Oldenkamp, Lutheran Social Services
Jim Mehlhalf, Self, Pierre

MOTION: AMEND HB 1255

1255rc

On page 1, line 11, of the House Judiciary Committee engrossed bill, delete everything after "." and insert "The party challenging the presumption must overcome the presumption by the greater convincing force of the evidence."

On page 1, line 12, delete everything before "Upon" .

On page 2, line 3, delete everything after "," and insert "the court may order the parties to submit to a preselected mediator. If the parties cannot agree on the residency of the child, the court shall determine the child's primary residence. If the court finds that a party has overcome the presumption in favor of joint physical custody, the court shall use the best interests of the child to make its determination for custodial arrangements. This Act does not apply to any child custody case filed on or before June 1, 2008."

On page 2, delete line 4.

On page 2, after line 4, insert:

" Section 2. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable."

Moved by: Kraus
Second by: Krebs
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1255 AS AMENDED

Moved by: Krebs
Second by: Bradford
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1255 TO THE 41ST LEGISLATIVE DAY

Moved by: Kraus
Action: Died for lack of a second.

THE MOTION TO DO PASS HB 1255 AS AMENDED

Moved by: Krebs
Second by: Bradford
Action: PREVAILED BY ROLL CALL VOTE. (4-2-1-0)

Voting Yes: Holien, Krebs, Schlekeway, Bradford

Voting No: Hunhoff (Jean), Kraus

Excused: Rave

HB 1240: exempt certain sales of non-temperature-controlled baked goods from certain licensing requirements.

Presented by: Representative Brock Greenfield
Proponents: Jamie Johnson, Self, Frankfort

MOTION: DO PASS HB 1240

Moved by: Krebs
Second by: Schlekeway
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Hunhoff (Jean), Kraus, Holien, Krebs, Schlekeway, Bradford

Excused: Rave

MOTION: ADJOURN

Moved by: Schlekeway

Second by: Holien

Action: Prevailed by voice vote.

Cindy Louder
Committee Secretary

Jean M. Hunhoff, Chair